

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**
TINA SCOTT-HARRIS,

Plaintiff,

**1:18-cv-1085
(GLS/CFH)**

v.

NYS DEPT. OF HEALTH,

Defendant.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

TINA SCOTT-HARRIS

Plaintiff

Pro Se

617 5th Ave.

Troy, NY 12182

Gary L. Sharpe

Senior District Judge

ORDER

The above-captioned matter comes to the court following a Report-Recommendation and Order by Magistrate Judge Christian F. Hummel duly filed on November 9, 2018. (Dkt. No. 4.) Following fourteen days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the

Report-Recommendation and Order for clear error, it is hereby

ORDERED that the Report-Recommendation and Order (Dkt. No. 4) is **ADOPTED** in its entirety; and it is further

ORDERED that the complaint (Dkt. No. 1) is **DISMISSED**. With respect to plaintiff's request for monetary damages against defendant NYS Dept. of Health, dismissal is **WITH PREJUDICE**; however, plaintiff may file an amended complaint, as set forth in the Report-Recommendation and Order, within thirty (30) days of the date of this Order; and it is further

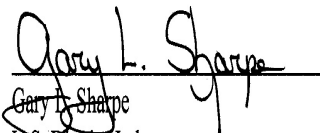
ORDERED that, if plaintiff files an amended complaint within the time allotted, it shall be referred to the Magistrate Judge for review; and it is further

ORDERED that, if plaintiff fails to file an amended complaint in the time allotted, the Clerk is directed to close the case without further order of the court; and it is further

ORDERED that the Clerk provide a copy of this Order to plaintiff in accordance with the Local Rules.

IT IS SO ORDERED.

December 11, 2018
Albany, New York


Gary L. Sharpe
U.S. District Judge